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SENATE BILL 5685

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State of Washington

61st Legislature

2009 Regular Session

By Senator Haugen

Read first time 01/28/09. Referred to Committee on Transportation.

1 AN ACT Relating to the use of automated traffic safety cameras in  
2 ferry zones; and amending RCW 46.63.170.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to read  
5 as follows:

6 (1) The use of automated traffic safety cameras for issuance of  
7 notices of infraction is subject to the following requirements:

8 (a) The appropriate local legislative authority must first enact an  
9 ordinance allowing for their use to detect one or more of the  
10 following: Stoplight, railroad crossing, ferry zone, or school speed  
11 zone violations. At a minimum, the local ordinance must contain the  
12 restrictions described in this section and provisions for public notice  
13 and signage. Cities and counties using automated traffic safety  
14 cameras before July 24, 2005, are subject to the restrictions described  
15 in this section, but are not required to enact an authorizing  
16 ordinance.

17 (b) Use of automated traffic safety cameras is restricted to two-  
18 arterial intersections, railroad crossings, ferry zones, and school  
19 speed zones only.

1 (c) Automated traffic safety cameras may only take pictures of the  
2 vehicle and vehicle license plate and only while an infraction is  
3 occurring. The picture must not reveal the face of the driver or of  
4 passengers in the vehicle.

5 (d) A notice of infraction must be mailed to the registered owner  
6 of the vehicle within fourteen days of the violation, or to the renter  
7 of a vehicle within fourteen days of establishing the renter's name and  
8 address under subsection (3)(a) of this section. The law enforcement  
9 officer issuing the notice of infraction shall include with it a  
10 certificate or facsimile thereof, based upon inspection of photographs,  
11 microphotographs, or electronic images produced by an automated traffic  
12 safety camera, stating the facts supporting the notice of infraction.  
13 This certificate or facsimile is prima facie evidence of the facts  
14 contained in it and is admissible in a proceeding charging a violation  
15 under this chapter. The photographs, microphotographs, or electronic  
16 images evidencing the violation must be available for inspection and  
17 admission into evidence in a proceeding to adjudicate the liability for  
18 the infraction. A person receiving a notice of infraction based on  
19 evidence detected by an automated traffic safety camera may respond to  
20 the notice by mail.

21 (e) The registered owner of a vehicle is responsible for an  
22 infraction under RCW 46.63.030(1)(e) unless the registered owner  
23 overcomes the presumption in RCW 46.63.075, or, in the case of a rental  
24 car business, satisfies the conditions under subsection (3) of this  
25 section. If appropriate under the circumstances, a renter identified  
26 under subsection (3)(a) of this section is responsible for an  
27 infraction.

28 (f) Notwithstanding any other provision of law, all photographs,  
29 microphotographs, or electronic images prepared under this section are  
30 for the exclusive use of law enforcement in the discharge of duties  
31 under this section and are not open to the public and may not be used  
32 in a court in a pending action or proceeding unless the action or  
33 proceeding relates to a violation under this section. No photograph,  
34 microphotograph, or electronic image may be used for any purpose other  
35 than enforcement of violations under this section nor retained longer  
36 than necessary to enforce this section.

37 (g) All locations where an automated traffic safety camera is used

1 must be clearly marked by placing signs in locations that clearly  
2 indicate to a driver that he or she is entering a zone where traffic  
3 laws are enforced by an automated traffic safety camera.

4 (h) If a county or city has established an authorized automated  
5 traffic safety camera program under this section, the compensation paid  
6 to the manufacturer or vendor of the equipment used must be based only  
7 upon the value of the equipment and services provided or rendered in  
8 support of the system, and may not be based upon a portion of the fine  
9 or civil penalty imposed or the revenue generated by the equipment.

10 (2) Infractions detected through the use of automated traffic  
11 safety cameras are not part of the registered owner's driving record  
12 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated  
13 by the use of automated traffic safety cameras under this section shall  
14 be processed in the same manner as parking infractions, including for  
15 the purposes of RCW ((~~3.46.120,~~) 3.50.100, 35.20.220, 46.16.216, and  
16 46.20.270(3)). However, the amount of the fine issued for an infraction  
17 generated through the use of an automated traffic safety camera shall  
18 not exceed the amount of a fine issued for other parking infractions  
19 within the jurisdiction.

20 (3) If the registered owner of the vehicle is a rental car  
21 business, the law enforcement agency shall, before a notice of  
22 infraction being issued under this section, provide a written notice to  
23 the rental car business that a notice of infraction may be issued to  
24 the rental car business if the rental car business does not, within  
25 eighteen days of receiving the written notice, provide to the issuing  
26 agency by return mail:

27 (a) A statement under oath stating the name and known mailing  
28 address of the individual driving or renting the vehicle when the  
29 infraction occurred; or

30 (b) A statement under oath that the business is unable to determine  
31 who was driving or renting the vehicle at the time the infraction  
32 occurred because the vehicle was stolen at the time of the infraction.  
33 A statement provided under this subsection must be accompanied by a  
34 copy of a filed police report regarding the vehicle theft; or

35 (c) In lieu of identifying the vehicle operator, the rental car  
36 business may pay the applicable penalty.

37 Timely mailing of this statement to the issuing law enforcement

1 agency relieves a rental car business of any liability under this  
2 chapter for the notice of infraction.

3 (4) Nothing in this section prohibits a law enforcement officer  
4 from issuing a notice of traffic infraction to a person in control of  
5 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),  
6 (b), or (c).

7 (5) For the purposes of this section(~~(7)~~):

8 (a) "Automated traffic safety camera" means a device that uses a  
9 vehicle sensor installed to work in conjunction with an intersection  
10 traffic control system, a railroad grade crossing control system, or a  
11 speed measuring device, and a camera synchronized to automatically  
12 record one or more sequenced photographs, microphotographs, or  
13 electronic images of the rear of a motor vehicle at the time the  
14 vehicle fails to stop when facing a steady red traffic control signal  
15 or an activated railroad grade crossing control signal, or exceeds a  
16 speed limit in a school speed zone as detected by a speed measuring  
17 device.

18 (b) "Ferry zone" includes any intersection or highway at or near a  
19 ferry terminal or ferry holding area.

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